

**IN THE COURT OF COMMON PLEAS
LAKE COUNTY, OHIO**

Plaintiff)	CASE NO. _____
)	
)	Judge Richard L. Collins
vs.)	
)	<u>ORDER</u>
)	
Defendant)	

To insure readiness of this matter for trial, to initiate settlement negotiations and to facilitate discovery on behalf of all parties, the Court issues this court order.

PRETRIAL ORDERS

1. Discovery pursuant to the Ohio Civil Rules shall commence immediately upon filing of the complaint and may continue until either of the following occurs: 1) the case is submitted to arbitration; 2) thirty (30) days prior to a scheduled trial date; or 3) unless the Court instructs otherwise. The identity of any expert witness and the exchanging of such expert's report, whose opinion will be offered in evidence at trial including the expert's findings and conclusions, or in lieu thereof a written summary of the expert's findings, shall be disclosed prior to any discovery cut-off.
2. All leaves shall be requested in writing. Leaves to a pleading as defined in Ohio Civil Rules shall be granted only for these time periods: first leave for a maximum of thirty (30) days; second leave for a maximum of fifteen (15) days; and third leave, accompanied by an affidavit enumerating special circumstances, for a maximum of fifteen (15) days. All leaves **MUST BE HAND SIGNED** by the requesting party or counsel. Leaves to respond to motions shall be granted in fourteen (14) day intervals only.
ALL LEAVES ARE AT THE DISCRETION OF THE COURT.
3. Once ordered to arbitration, the Court will entertain no discovery or pretrial motions. All motions filed prior to arbitration referral shall be ruled on by the Court before scheduled hearing.
4. Discovery enumerated in Ohio Civil Rule 5(D), to wit: depositions, interrogatories, requests for documents, admissions and responds thereto, shall not be filed with the Lake County Clerk of the Common Pleas Court. Parties shall file a single page notice indicating the discovery request or response served, the date issued and upon whom.
5. The Court will not entertain any motion to compel discovery absent compliance with Rule V(D) of the Lake County Common Pleas Court.
6. All requests for continuance shall be in writing accompanied by a statement of reasons for the request.

TRIAL MATTERS

7. Trial briefs shall be submitted by each counsel with appropriate citations supporting the theory of their action, no later than seven (7) days before trial.

8. Counsel will submit to the Court a written stipulation of facts no later than the morning of trial.
9. No trial continuance will be granted without a written motion supported by affidavit or appropriate documentation. **THE UNAVAILABILITY OF ANY WITNESS EXPERT OR OTHERWISE, WILL NOT BE GROUNDS TO CONTINUE THE TRIAL DATE. COUNSEL SHALL PRESERVE BY WRITTEN OR VIDEO TAPED DISPOSITION, THEIR “KEY WITNESES”, OR FACE THE POSSIBILITY OF GOING FORWARD WITH THE TRIAL WITHOUT THEIR TESTIMONY.** All date conflicts shall be documented by either copies of the conflicting notice or statement enumerating case number, jurisdiction, judge and date of scheduling. **IN DETERMINING PRIORITY, ALL SCHEDULED DATES SHALL RELATE BACK TO THE DATE THE FIRST NOTICE WAS ISSUED BY THIS COURT.**
10. Counsel shall meet with reference to this case at plaintiff’s office two weeks before trial to review all stipulations, witness lists, expert reports, exhibits and:
 - a. Enter into and reduce to writing all stipulations to which counsel agree;
 - b. Provide counsel with a written list of the names and addresses of all witnessed counsel expects to call;
 - c. **MARK ALL EXHIBITS FOR IDENTIFICATION PRIOR TO TRIAL. PLAINTIFF’S EXHIBITS SHALL BE NUMBERED AND DEFENDANT’S LETTERED CONSECUTIVELY.** The exhibits shall have been inspected by opposing counsel and copied at their expense (if requested);
 - d. Counsel shall exchange a list of all exhibits to be offered at trial including a brief description of each. For any known to exist but not available, the substance thereof shall be disclosed and numbers or letters are to be reserved for such exhibits. Counsel shall indicate whether the exhibits may be admitted into evidence by stipulation or if not admitted by stipulations, whether the exhibit may be offered into evidence without proof of its authenticity;
 - e. Where video tape depositions or written depositions are to be used, objections to any testimony must be brought to the attention of the Court no later than one week before trial by motion, listing the specific objections requiring ruling, their location by line and page from written deposition as well as by time reference on the tape. No objections to depositions will be entertained at the trial;
 - f. Requested jury instructions shall be in writing and submitted to the Court prior to opening arguments;
 - g. Upon conclusion, the prevailing party shall immediately file a judgment entry within thirty (30) days reflecting the verdict outcome;
11. At a jury trial, motion or objections to evidence or procedure shall not be accompanied by explanation or reason for the motion or objections in the jury’s hearing. So-called “speaking objections”, which attempted to justify the objections to the jury, will not be permitted. If the Court wishes to know the grounds for any motions or objections, counsel will then be asked to present such grounds at the bench, side bar, in chambers, or after the jury has been dismissed from the courtroom. If any counsel wishes to present grounds for a motion or objection, he or she shall so advise the Court at the bench outside the jury’s hearing.

12. Failure of any party to comply with any provision of this Order shall subject that party to the sanctions as provided in Civil Rule 37(B) and as provided in Rules of the Lake County Common Pleas Court.
13. Entries of settlement or dismissal shall be filed no later than thirty (30) days after notice to the Court. **NOTICES OF SETTLEMENT OR DISMISSAL PRIOR TO TRIAL SHALL BE FILED NO LATER THAN THE SCHEDULED TRIAL DATE. A SCHEDULED TRIAL SHALL PROCEED, OR BE DISMISSED FOR WANT OF PROSECUTION, UNLESS NOTIFICATION OF SETTLEMENT OR DISMISSAL IS FILED WITH THE COURT PRIOR TO BEING CALLED FOR TRIAL.**

IT IS SO ORDERED.

/S/ Richard L. Collins
Richard L. Collins, Judge